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- (ii) Rent calculated based on a percentage of income. For any household for which the amount of rent is determined by a public housing authority as a percentage of either gross or adjusted gross income, the applicable shelter allowance is the amount so calculated up to the maximum allowance for the given household size found in subdivision (a) of this section.
- (2) (i) Section 236 Rental Assistance Program, Section 8 Housing Vouchers, Section 8 Housing Program (non-certificate). The rent allowance for tenants of housing subsidized under the Section 236 Rental Assistance Program or the Section 8 Housing Assistance Payments Program, except as provided in clause (ii) of this paragraph, is the amount of rent actually paid (exclusive of the subsidy) but not more than the amount in the applicable schedule in subdivisions (a) and (b) of this section.
- (ii) Section 8 Existing Housing Program (certificate). The rent and fuel for heating allowance for recipients whose housing payments of rent are subsidized under the Section 8 Existing Housing Program who hold a certificate of family participation (not including a recipient participating in the program of special allowances for owners of manufactured homes) is the amount in the applicable schedule in clause (iii) or clause (iv) of this paragraph. Such amount will not be adjusted in accordance with the actual cost of shelter and utilities. Subdivisions (a) and (b) of this section and subdivision (a) of section 352.5 do not apply; provided, however, that allowances hereunder may not exceed the applicable amount under subdivision (a) of this section. Shelter and fuel allowances pursuant to this subdivision are not subject to proration under section 352.32(e)(2)(ii) of this Part unless the members of each assistance unit in the household reside together as a single economic unit subject to proration of the basic monthly allowance, the home energy allowance and the supplemental home energy allowance under section 352(e)(2)(i) of this Part. Any amounts by which the rental obligation of the tenant is reduced below the amounts in the applicable schedule in clause (iii) or clause (iv) of this paragraph as an allowance for payment of utilities and any amounts remitted to the tenant or to a vendor for payment of utilities as a result of participation in the section 8 program are deemed to be an actual payment for housing by the tenant for the purposes of this clause. No such utility allowance or reimbursement constitutes income for purposes of determining eligibility for or the amount of public assistance.

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(iii) Local agency maximum monthly section 8 rent allowances

By Family Size (No recipient having earned income which is or may be exempt under Section 352.19 of this Part)

Number of Persons Receiving Assistance in Household

Number of children under 18	1	2	3	4	5	6	7	8	Each additional person
0	\$59	\$94	\$125	\$161	\$198	\$229	\$260	\$291	\$31
1	\$42	\$77	\$108	\$144	\$181	\$212	\$243	\$274	
2		\$60	\$91	\$127	\$164	\$195	\$226	\$257	
3			\$74	\$110	\$147	\$178	\$209	\$240	
4				\$93	\$130	\$161	\$192	\$223	
5					\$113	\$144	\$175	\$206	
6						\$127	\$158	\$189	
7							\$141	\$172	
								\$155	

For each additional dependent child in the household under the age of 18 years, subtract \$17.

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(iv) Local agency maximum monthly section 8 rent allowances

By Family Size  
(At least one recipient having earned income  
subject to disregard as a work expense)

Number of Persons Receiving Assistance in Household

Number of children under 18	1	2	3	4	5	6	7	8	Each additional person
0	\$98	\$133	\$164	\$200	\$237	\$268	\$299	\$330	\$31
1	\$81	\$116	\$147	\$183	\$220	\$251	\$282	\$313	
2		\$99	\$130	\$166	\$203	\$234	\$265	\$296	
3			\$113	\$149	\$186	\$217	\$248	\$279	
4				\$132	\$169	\$200	\$231	\$262	
5					\$152	\$183	\$214	\$245	
6						\$166	\$197	\$228	
7							\$180	\$211	
								\$194	

For each additional dependent child in the household under the age of 18 years, subtract \$17.

(e) Rent allowances for hotel/motel facilities. An allowance for shelter must be made for recipients temporarily housed in hotel/motel facilities under the following circumstances:

- (1) No other suitable housing either public or private is available to house the recipient.
- (2) Hotel/motel accommodations without cooking facilities must be utilized only when accommodations with such facilities are not available. An allowance for the actual cost of the rental of a refrigerator, not to exceed \$10 per week per room, must be made when a homeless family is temporarily placed in a hotel/motel which does not have cooking facilities and which provides a refrigerator on a rental basis.
- (3) The continued need for hotel/motel accommodations must be reviewed, evaluated and authorized monthly by the social services district.

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(f) Reimbursement for shelter costs and restaurant allowances and rental fees for refrigerators as provided for in paragraph (e)(2) of this section is available to social services districts for expenditures made by such districts on behalf of recipients temporarily living in hotels or motels for so long as the recipients are actively seeking permanent housing, but in no event for a period in excess of six months unless the local commissioner of social services determines on an annual basis that housing other than hotels or motels or facilities regulated under Part 900 of this Title is not readily available in the social services district and the commissioner submits such determination to the department on an annual basis. Upon such a determination and submission, the social services district will continue to be reimbursed for shelter costs, restaurant allowances as appropriate and rental fees for refrigerators provided to public assistance recipients beyond such six month period. A recipient's continued need for hotel/motel accommodations must be reviewed and evaluated monthly. The maximum reimbursable amount for shelter costs after August 1, 1984 is \$16 per day for the first person in each hotel room, and \$11 per day for the remaining occupants in each room. Restaurant allowances, if necessary, must be provided in accordance with department regulations.

(1) Primary consideration must be given to the needs of children. Specific factors considered must include but must not be limited to educational needs, security, the nature of the facility in which the children would be placed, and factors which will insure the minimum disruption of community ties.

(i) removal of garbage;

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- (ii) maintenance of floor coverings, draperies and furniture;
  - (iii) repainting of the facility at least once every five years;
  - (iv) maintenance and inspection of the electrical system;
  - (v) maintenance of plumbing and plumbing fixtures;
  - (vi) maintenance and inspection of heating, ventilation and air conditioning systems;
  - (vii) a regular vermin control program; and
  - (viii) provision to insure that entrances, exits, steps and walkways are kept clear of garbage, ice, snow and other hazards.
- (3) Rooms must be cleaned at least every other day by hotel/motel staff.
- (4) Furniture necessary for daily living, including but not limited to tables, bureaus, chairs, beds and cribs must be in each room.
- (5) No more than two adults must be placed in the same room.
- (6) When children are placed in the same room as adults, there must be sufficient beds so children must not have to share single beds.
- (7) All mattresses and bedding material must be clean. Each bed must have at least two clean sheets, adequate clean blankets, clean pillows and pillowcases. A complete change of linens must be made by hotel/motel staff at least once a week and more often where individual circumstances warrant or when a new family occupies the unit. Each unit must be supplied with towels, soap and toilet tissues. A clean towel must be provided daily to each resident.
- (8) Each unit must have operational door and window locks. All windows at and above the second floor must have window guards in place unless windows are sealed and the air conditioning works.
- (9) A heating system must be permanently installed and operated in accordance with applicable local law. Where local law or code does not govern the provision of heat, the system will provide heat to maintain a temperature of 69°F (20°C) in all occupied parts of the building, including corridors. Where windows do not open, proper ventilation, including but not limited to air conditioning, must be operational.

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(10) Each family must have a private bathroom. At a minimum, this must include a toilet, a sink and a shower or bathtub, all of which must be properly maintained with hot and cold running water. Couples without children may be placed in rooms with common bathroom facilities.

(h) Inspection. Local social services districts which make hotel/motel referral must inspect at least once every six months the hotels/motels in which families are placed. In addition to verifying that the hotel/motel meets the requirements set forth in subdivision (g) of this section, the local district must make appropriate inquiries to determine whether the hotel/motel is in compliance with all applicable state and local laws, regulations, codes and ordinances. Any violation found during the on-site inspection must be reported to appropriate authorities. Further, each inspection must at least review arrangements for hygiene, vermin control, security, furnishings, cleanliness and maintenance and must include a review of any applicable documents pertaining to compliance with any local laws or codes. A written report must be made of each such inspection and must be maintained at the office of the local district together with such other information as the district may maintain concerning the families placed in the hotel/motel.

(i) (1) To the extent that units of housing are available and subject to department approval based upon the housing conditions in the region, social services districts may provide an allowance to secure housing to any homeless family:

(i) residing in a municipality having a rental vacancy rate for low-income housing less than three percent;

(ii) for whom no housing can be located at a rent within the shelter maximum under this section; and

(iii) in which at least one member of the family has resided in a hotel or motel and/or a shelter (including, but not limited to, facilities operated under Part 900 of this Title) at public expense for a period exceeding 12 weeks. Social services districts may consider decreasing this length of stay requirement if a long term temporary placement in a hotel or motel or shelter would be detrimental to the health and welfare of families, including families with immediate medical needs.

(2) In determining priority for placement in housing units for which an allowance is paid under this subdivision, the district must consider factors affecting need such as:

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- (i) the length of stay in a hotel or motel and/or a shelter (including, but not limited to, facilities operated under Part 900 of this Title) at public expense;
  - (ii) the size of the family; and
  - (iii) the location of schools in relation to the temporary housing where the family is residing.
- (3) Social services districts must submit to the department for approval annual plans for the operation of programs to make allowances available under this subdivision. Plans must be submitted within 45 days after funds have been authorized in the State budget for allowances for this program.
- (i) indicate the number of units of housing for which the allowance will be made available pursuant to this subdivision, identifying the number that would be privately owned units and the number that would be publicly owned units, and the amount of funds being requested,
  - (ii) describe the housing to be utilized,
  - (iii) indicate the number of months that the allowance will be available (not to exceed eight months in the case of privately owned units or four months in the case of publicly owned units),
  - (iv) set forth the procedures for assuring local housing code compliance,
  - (v) set forth the procedures to identify those families likely to be long-term residents of hotels and motels and/or shelters (including, but not limited to, facilities operated under Part 900 of this Title)
  - (vi) indicate the criteria to be used in determining priorities for placement,
  - (vii) indicate the services available in the social services district to assist persons to remain in housing after placement under this program;
  - (viii) indicate the number of homeless facilities in the social services district that requested emergency housing each month during the most recent twelve month period and the number of families that resided in hotels and motels and/or shelters during the most recent twelve month period; and

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- (i) the number of units rented that were privately owned and the number of units rented that were publicly owned and the addresses of such units;
  - (ii) the individual allowances issued; and
  - (iii) the number of families leaving apartments funded with allowances under this subdivision.
- (j) If rent has not been paid for the month in which the case is accepted, a non-prorated shelter allowance, not to exceed the appropriate local agency maximum monthly shelter allowance, must be provided to retain the living accommodation.
- (k) Emergency shelter allowances:
- (1) An emergency shelter allowance must be provided, upon request, to a household composed of an applicant for or recipient of public assistance, who has been medically diagnosed as having AIDS or HIV-related illness as defined from time-to-time by the AIDS Institute of the State Department of Health, and any family members residing with such person. Such household must be homeless or faced with homelessness and have no viable and less costly alternative housing available. The social and medical needs of the household members must be considered in making a determination concerning the availability of alternative housing.
  - (2) An emergency shelter allowance must not exceed \$480 for the first person in the household and \$330 for each additional person in the household, and in no event be greater than the actual monthly rent due. A person with AIDS or HIV-related illness is considered to be the first person in the household. Except for cases specified in paragraph (3) of this subdivision, the emergency shelter allowance is considered to be the household's public assistance shelter allowance for public assistance budgeting purposes.
  - (3) When a household comprising both FA and SSI eligible persons requests an emergency shelter allowance, the social services district must compute the amount of the allowance as follows:
    - (i) determine the public assistance grant of the FA eligible persons using the appropriate rent schedule amount in section 352.3(a) of this Part;

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(ii) calculate the net amount of actual household shelter costs by subtracting the appropriate rent schedule amount, as determined by referring to section 352.3(a) of this Part, from the total actual household shelter costs;

(iii) calculate the maximum amount of emergency shelter allowance available to the household by subtracting the appropriate rent schedule amount, as determined by referring to section 352.3(a) of this Part, from the maximum allowance authorized by paragraph (2) of this subdivision for the total number of persons in the household; and

(iv) subtract the SSI benefits and other income of the SSI eligible persons from the sum of the amount calculated in accordance with the provisions of subparagraph (ii) or subparagraph (iii) of this paragraph, whichever is less, and the incremental non-shelter public assistance standard of need of the SSI eligible persons. The resulting amount, if greater than zero, is the household's emergency shelter allowance. This allowance is added to the public assistance grant determined in accordance with subparagraph (i) of this paragraph.

(4) When necessary, social services districts must:

(i) address the social services needs of a person in receipt of an emergency shelter allowance through the direct provision of services or through the provision of appropriate information and referral services; efforts should be made to ensure that an applicant for or a recipient of such an allowance has established appropriate social and medical support networks;

(ii) assist an applicant for or a recipient of an emergency shelter allowance to secure the required documentation so that eligibility for such allowance can be determined; and

(iii) arrange for required face-to-face interviews to be conducted during home visits or at other appropriate sites. In accordance with department regulations, designated representatives may file and sign application and recertification documents on behalf of an applicant for or a recipient of an emergency shelter allowance.

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